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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABDULAZIZ ZAIN,

Plaintiff,

vs.

MAERSK LINE LIMITED,

Defendant.

Case No. C 08 4728 MEJ

**STIPULATION AND PROPOSED
ORDER TO EXTEND DEADLINE
FOR MEDIATION [ADR LR6-4(b)]**

In the Court's Case Management Order of January 20, 2009 the parties were referred to court-sponsored mediation. On February 2, 2009 attorney John Meadows was appointed as a mediator. However, due to a conflict Mr. Meadows' name was withdrawn and attorney Peter Sherwood of the Ninth Circuit Court of Appeals was appointed. Counsel for the parties participated in a conference call with Mr. Sherwood on March 23, 2009 at which time a date for mediation was discussed but not set.

To date, the parties have completed their Rule 26 disclosures and written discovery has been initiated including requests for production of documents and interrogatories served on the plaintiff. Plaintiff's deposition was noticed originally for February 24, 2009. However, the plaintiff, a merchant seaman, was at sea at that time and subsequently his deposition was re-noticed for April 23, 2009, a time when he will have returned from sea and had an opportunity to assist his counsel in responding to discovery.

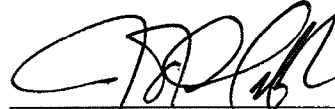
1 Because the plaintiff was at sea when written discovery was served
2 necessary extensions of response time have been given.

3 Because a second mediator was appointed and because plaintiff has been at
4 sea and unavailable to be deposed or to assist in responding to written discovery, the
5 parties believe they will not be fully prepared to meaningfully participate in a mediation
6 by the current deadline of April 17. They therefore stipulate that the deadline may be
7 extended 90 days to July 17, 2009. Counsel for the parties believe that by that time
8 necessary discovery can be completed as well as the accumulation and review of
9 appropriate documents and records which must be obtained from third parties.

10 Trial in this matter is currently set for February 1, 2010.

11 The parties respectfully request that the deadline for completing mediation
12 be continued to July 17, 2009.

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14 DATED: March 24, 2009


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Attorneys for Defendant
MAERSK LINES, LTD

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18 DATED: March 25, 2009


ARNOLD I. BERSCHLER
BERSCHLER ASSOCIATES, PC
Attorneys for Plaintiff
ABDULAZIZ ZAIN

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22 Good cause having been shown, the Court ORDERS that the deadline to
23 complete mediation in the above-entitled matter be continued to July 17, 2009.

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25 DATED: March 27, 2009


MARIA ELENA JAMES
United States Magistrate Judge